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2013-05-30 21:25:21 (GMT)

From: Joyce Welch

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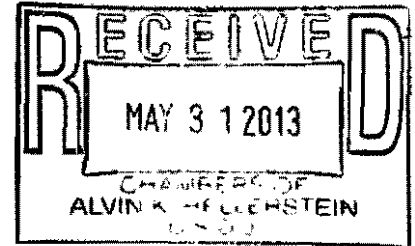
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Via Facsimile: (212) 805-7942

The Honorable Alvin K. Hellerstein
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1050
New York, NY 10007-1312

RE: *Metcalf v. Zoullas et al.*, Case No. 1:11-cv-03996-AKH

Dear Judge Hellerstein:

We represent plaintiffs in the above-referenced shareholder derivative action. We are faxing two stipulations for your attention: (1) Corrected Joint Statement Regarding Status of Case and Proposed Schedule of Settlement Briefing, and (2) Stipulation Extending Plaintiffs' Time to Respond to Motion For Summary Judgment.

The first item was filed via ECF [Doc #56] on May 24, 2013, but was not faxed to Chambers at that time. The attached version is identical to that document, but corrects the date in the third "Whereas" clause, which was originally incorrectly listed as March 1, 2013, when the correct date is April 1, 2013. This document includes a stipulation to adjourn defendants' motion for summary judgment indefinitely based on a proposed settlement and a deadline of June 14, 2013 to submit documents for the proposed settlement under Fed. R. Civ. Proc. 23.1(c).

The second item is submitted in the event the Court does not approve the stipulation dated May 24, 2013. It requests an adjournment of the date for plaintiffs to file their opposition to the summary judgment motion from May 31, 2013 to July 15, 2013.

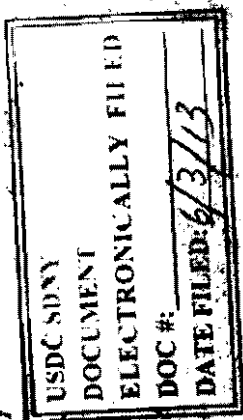
Respectfully submitted,

Carol Shahmoon
Carol Shahmoon

CS/las
enclosures

cc: Counsel for Parties

*I decline to approve
of the parties either form of stip'n.
they may do so, but the motions
must be withdrawn, on consent and
with leave to re-file. A suitable stip'n
so providing may be filed, with 60 days
to be allowed for mediation.
5.31.13
Alvin K. Hellerstein*



Judge wrote:

“I decline to approve either form of stipulation. If the parties wish to mediate, they may do so, but the motions must be withdrawn, on consent and with leave to re-file. A suitable stipulation so providing may be filed, with 60 days to be allowed for mediation.

5-31-13

Alvin K. Hellerstein”